

FACTUAL ALLEGATIONS

6. Taylor has alleged that Plaintiff incurred an obligation to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family or household purposes, and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5), namely, an alleged deficiency balance on a repossessed vehicle allegedly owed to C & F Finance (C & F).
7. After default, C & F hired Taylor to attempt collection of the debt from Plaintiff.
8. Taylor regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.

Collection Lawsuit

9. On November 24, 2014, Taylor filed a civil summons against Plaintiff in Davidson County General Sessions Court, and on February 2, 2015, Taylor filed an alias civil summons against Plaintiff in Davidson County General Sessions Court (“collection lawsuit”). **Copy of February 2, 2015 civil summons filed as exhibit 1 to this Complaint.**
10. The collection lawsuit was filed against Plaintiff in connection with collection of a debt and in an attempt to collect a debt, and each is a “communication” as defined by 15 U.S.C. § 1692a(2).
11. Taylor filed the collection lawsuit seeking to collect for: “Deficiency balance due and owing on a sworn contract account in the principal amount of \$11,198.18 plus interest, attorney fees and court costs”, and the amount of the default judgment entered against Plaintiff was \$14,843.58. **See Ex. 1, p. 1.**

Filing Collection Lawsuit in Improper Venue

12. The contract to purchase the vehicle repossessed by C & F was signed by Plaintiff at Lance Cunningham Ford, which is located at 4101 Clinton Hwy, Knoxville, TN 37912, in Knox County, TN.
13. At the commencement of the collection lawsuit, Plaintiff resided in Anderson County, Tennessee.
14. Because Plaintiff did not sign the contract, on which Taylor allegedly relied to file the collection lawsuit in Davidson County, Tennessee, and Plaintiff did not reside in Davidson County, Tennessee at the time the collection lawsuit was filed, the only county in which the collection lawsuit could be filed in compliance with the FDCPA would have been Anderson County, Tennessee.
15. The filing of the collection lawsuit in Davidson County, Tennessee by Taylor is a violation of 15 U.S.C. §§ 1692e, 1692e(10), 1692f, and 1692i(a)(2).

Summary

16. The above-detailed conduct by Taylor in connection with collection of the debt and in an attempt to collect the debt was conduct in violation of multiple provisions of the FDCPA including, but not limited to the above-cited provisions of the FDCPA.

TRIAL BY JURY

17. Plaintiff is entitled to and hereby respectfully demands a trial by jury. ***U.S. Const. amend. 7; Fed.R.Civ.P. 38.***

CAUSES OF ACTION

COUNTS I - IV

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. §§ 1692e, 1692e(10), 1692f, and 1692i(a)(2)

19. Plaintiff incorporates by reference all of the above paragraphs as though fully stated herein.
20. The foregoing acts and omissions of Taylor constitute multiple violations of the FDCPA including, but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. §§ 1692 et seq., with respect to Plaintiff.
21. As a result of Taylor's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1), in an amount to be determined at trial by a jury; statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A) in the amount of \$1,000.00; and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Taylor.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Taylor for:

COUNTS I - IV

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

- **15 U.S.C. §§ 1692e, 1692e(10), 1692f, and 1692i(a)(2)**
- for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Taylor and for each Plaintiff, in an amount to be determined at trial by a jury;
- for an award of statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A) in the amount of \$1,000.00 against Taylor, and for each Plaintiff;

- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Taylor.

11/09/15

Respectfully submitted,

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